

EXHIBIT 18

From: [Mullaly, Michael T.](#)
To: [McKean J. Evans](#); [Isaac Ruiz](#); [Shannon McKeon](#); [David Fadduol](#); [Chris Jarman](#); [Paige Lewis](#)
Cc: [Gwen Wall](#); [Benjamin Roesch](#); [Abele, Jonathan T.](#)
Subject: RE: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]
Date: Monday, August 26, 2024 1:42:01 PM
Attachments: [image001.png](#)
[ARAG 1st Ints and RPODs to Ronda McNae.pdf](#)
[ARAG 1st Ints and RPODs to William McNae.pdf](#)

Hi McKean, David, and Isaac.

Thanks, McKean, for your response below. Attached please find defendant's first requests for production and first set of interrogatories to each of Ronda McNae and William McNae.

McKean, the production discussed in my email below from Thursday evening may be obtained using the following ShareFile links. I will send the password separately in a moment.

Production Load File:

<https://squirepb.sharefile.com/d-s42d1aaec136245b7bc4fd40195901ce9>

Alternate PDF Format:

<https://squirepb.sharefile.com/d-s73c018502d994856bbcde379fa5a36d7>

Thanks and hope each of you is well.

Mike

From: McKean J. Evans <mevans@ruizandsmart.com>
Sent: Friday, August 23, 2024 2:26 PM
To: Mullaly, Michael T. <michael.mullaly@squirepb.com>; Isaac Ruiz <iruiz@ruizandsmart.com>; Shannon McKeon <smckeon@ruizandsmart.com>; David Fadduol <dfadduol@ruizandsmart.com>; Chris Jarman <cjarman@ruizandsmart.com>; Paige Lewis <plewis@ruizandsmart.com>
Cc: Gwen Wall <gwen.wall@jmbllawyers.com>; Benjamin Roesch <benjamin.roesch@jmbllawyers.com>
Subject: Re: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]

Hi Mike,

We will get you a consolidated response to the items you listed. I can confirm now that we have not begun scheduling the Microsoft dep yet. Microsoft needs to get us documents before we can discuss deposition dates.

Thanks,
McKean

McKean J. Evans (he/him/his)
Attorney

mevans@ruizandsmart.com

T: 206-800-2689 | F: 206-785-1702



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From: Mullaly, Michael T. <michael.mullaly@squirepb.com>

Date: Thursday, August 22, 2024 at 3:36 PM

To: McKean J. Evans <mevans@ruizandsmart.com>, Isaac Ruiz <iruiz@ruizandsmart.com>, Shannon McKeon <smckeon@ruizandsmart.com>, David Fadduol <dfadduol@ruizandsmart.com>, Chris Jarman <cjarman@ruizandsmart.com>, Paige Lewis <plewis@ruizandsmart.com>

Cc: Gwen Wall <gwen.wall@jmblawyers.com>, Benjamin Roesch <benjamin.roesch@jmblawyers.com>

Subject: RE: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]

Hi Isaac, David, and McKean. A few updates regarding the below and other matters:

1. Isaac, during Monday's deposition you requested that Ms. Cosimano search a database to confirm the accuracy of her testimony that there has been no prior litigation in Washington where a policyholder asserted claims for bad faith against ARAG. Ms. Cosimano conducted the search and, consistent with her testimony, found no record of any such litigation.
2. Have there been any further discussions about the scheduling of the Microsoft deposition? We would like to participate fully in the deposition and its scheduling.
3. No new documents were produced on August 15. The corrected .pdf format ShareFile on August 15 was strictly to correct a technical error and thereby align its contents with those of the .tiff format ShareFile distributed on August 14.
4. Documents produced responsive to RPOD 26 include ARAG001525, ARAG001662, and ARAG004730 (among others). As well, relevant entries in ARAG000001 include:
 - a. (7/31/2023) Replied to pm with conversion info as was impacted by the Microsoft layoffs

- b. (8/31/2023) tt pm. he is not sure last date of coverage as he has been layed off. Thinks it will be 09/08. He will check with Microsoft and call back for conversion plan once it is time
 - c. (10/24/2023) Member enrolled in 100140003004 (ULTIMATEADVISOR PLUS CONVERSION PLAN) via Member Configurator
 - d. (10/24/2023) TT PM- enrolled into Conversion Plus. advsd effective date of 10/1
5. ARAG will produce the small number of additional documents located during a supplemental search conducted at your request: (a) in relation to RPOD 26 and (b) for underwriting documents pertaining to the conversion policy. The production has been submitted for processing by litigation support. Hopefully it can be made tomorrow.
6. ARAG has not withheld any known responsive document except on the basis of ACP/WP. These instances have been logged. I will take another look at ARAG's responses/objections to Plaintiffs' second set of requests, though, to ensure this is clear.
7. I have attached an updated redaction log. The privilege log remains unchanged.
8. David, I expect ARAG's discovery requests to Plaintiffs will be served imminently. They are under review.

Thanks,
Mike

From: McKean J. Evans <mevans@ruizandsmart.com>
Sent: Thursday, August 15, 2024 9:39 PM
To: Mullaly, Michael T. <michael.mullaly@squirepb.com>; Isaac Ruiz <iruiz@ruizandsmart.com>; Shannon McKeon <smckeon@ruizandsmart.com>; David Fadduol <dfadduol@ruizandsmart.com>; Chris Jarman <cjarman@ruizandsmart.com>; Paige Lewis <plewis@ruizandsmart.com>
Cc: Gwen Wall <gwen.wall@jmblawyers.com>; Benjamin Roesch <benjamin.roesch@jmblawyers.com>
Subject: Re: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]

Mike,

Yes—we will copy you on any document production received from Microsoft. I can also confirm that next week's deposition of Microsoft is being postponed. We will keep you in the loop on that.

Can you confirm that the .tiff format production received yesterday remains complete? It looks like what's been produced today are .pdf format copies of what we received in .tiff format yesterday. Please let me know if anything new was provided today.

Thanks for double checking regarding RFP 26. I also haven't seen any underwriting documents specific to the issuance of the individual conversion policy. Can you please confirm that no such documents exist (which would surprise me) or if they've been produced, can you let me know the bates numbers?

Relatedly, will you please serve amended responses to Plaintiffs' second discovery requests that comply with FRCP 34(b)(2)(C) ("An objection must state whether any responsive materials are being withheld on the basis of that objection. An objection to part of a request must specify the part and permit inspection of the rest")?

The current responses assert objections and then state unspecified documents will be produced at an unspecified date. We have no way to know what's being withheld or what else remains to produce.

Lastly, will you please get us a privilege log?

Thanks,
McKean

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RUIZ & SMART LLP

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From: Mullaly, Michael T. <michael.mullaly@squirepb.com>

Date: Thursday, August 15, 2024 at 3:31 PM

To: McKean J. Evans <mevans@ruizandsmart.com>, Isaac Ruiz <iruiz@ruizandsmart.com>, Shannon McKeon <smckeon@ruizandsmart.com>, David Fadduol <dfadduol@ruizandsmart.com>, Chris Jarman <cjarman@ruizandsmart.com>,

Paige Lewis <plewis@ruizandsmart.com>

Cc: Gwen Wall <gwen.wall@jmblawyers.com>, Benjamin Roesch <benjamin.roesch@jmblawyers.com>

Subject: RE: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]

Hi McKean. Thanks for your message. I'm glad you asked, because it prompted me to discover a technical error in the PDF format of the production sent yesterday. That ZIP file included only about 1/3 of the documents that ARAG produced yesterday (the formal production load file also sent was correct and included all documents). Below is a new ShareFile link (same password as previously) that includes all 154 documents in the alternate PDF format. Please accept our apologies for this error. I was traveling and could not QC check the link myself before it was sent.

<https://squirepb.sharefile.com/d-sbeee68bf478c43878b4b71d9afdb9646>

Before detecting this situation, I asked ARAG to double check regarding RFP 26. That process is underway and if it yields additional responsive documents ARAG will produce them promptly.

I also discovered today that Microsoft's counsel did not include you on its response to our subpoena. Attached please find the objections, responses, and documents received. Can you please confirm that you will likewise share what is received from Microsoft in response to Plaintiffs' subpoenas?

Finally, David, thanks for your inquiry about ARAG's discovery requests. I am aiming to get them out within the week.

Best,
Mike

From: McKean J. Evans <mevans@ruizandsmart.com>

Sent: Wednesday, August 14, 2024 8:43 PM

To: Mullaly, Michael T. <michael.mullaly@squirepb.com>; Isaac Ruiz <iruiz@ruizandsmart.com>; Shannon McKeon <smckeon@ruizandsmart.com>; David Fadduol <dfadduol@ruizandsmart.com>; Chris Jarman <cjarman@ruizandsmart.com>; Paige Lewis <plewis@ruizandsmart.com>

Cc: Gwen Wall <gwen.wall@jmblawyers.com>; Benjamin Roesch <benjamin.roesch@jmblawyers.com>

Subject: Re: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]

Hi Mike,

I have looked through the documents you sent today. I did not see documents responsive to RFP 26 (regarding Mr. McNae's conversion of coverage to an individual policy).

Will you please identify the bates numbers of the documents responsive to RFP 26? Or, if they haven't been produced yet, will you please let me know when we'll receive them?

Thanks,
McKean

McKean J. Evans (he/him/his)

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From: Mullaly, Michael T. <michael.mullaly@squirepb.com>

Date: Wednesday, August 14, 2024 at 1:33 PM

To: Isaac Ruiz <iruiz@ruizandsmart.com>, Shannon McKeon <smckeon@ruizandsmart.com>, David Fadduol <dfadduol@ruizandsmart.com>, Chris Jarman <cjarman@ruizandsmart.com>, McKean J. Evans <mevans@ruizandsmart.com>, Paige Lewis <plewis@ruizandsmart.com>

Cc: Gwen Wall <gwen.wall@jmblawyers.com>, Benjamin Roesch <benjamin.roesch@jmblawyers.com>

Subject: Re: [EXT] Re: McNae et al. v. ARAG [I-AMS.FID5425010]

Please use the following links to access the production referenced below. Thank you.

ShareFile Link for - ARAG_PDF_VOL004.zip

<https://squirepb.sharefile.com/d-sff6a5b6b30544686b61ad9f6d0713476>

ShareFile Link for - ARAG_VOL004.zip

<https://squirepb.sharefile.com/d-s343437cda33744569cf5a559eb6d162e>

Sent from Workspace ONE Boxer

On Aug 14, 2024 2:41 PM, "Mullaly, Michael T." <michael.mullaly@squirepb.com> wrote:

Hi McKean. Yes, ARAG conducted a diligent search and this production reflects all responsive documents located through that process. While ARAG of course reserves the right to supplement, this production is intended to be complete.

Thanks,
Mike

Sent from Workspace ONE Boxer

On Aug 14, 2024 2:28 PM, "McKean J. Evans" <mevans@ruizandsmart.com> wrote:
Thanks, Mike. Can you confirm the forthcoming production is everything that ARAG is producing in response to Plaintiff's second discovery requests?

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RUIZ & SMART LLP

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From: Mullaly, Michael T. <michael.mullaly@squirepb.com>
Date: Wednesday, August 14, 2024 at 11:06 AM
To: David Fadduol <dfadduol@ruizandsmart.com>, Isaac Ruiz <iruiz@ruizandsmart.com>, McKean J. Evans <mevans@ruizandsmart.com>, Chris Jarman <cjarman@ruizandsmart.com>, Shannon McKeon <smckeon@ruizandsmart.com>, Paige Lewis <plewis@ruizandsmart.com>
Cc: Benjamin Roesch <benjamin.roesch@jmblawyers.com>, Gwen Wall <gwen.wall@jmblawyers.com>
Subject: RE: McNae et al. v. ARAG [I-AMS.FID5425010]

Hi David. ARAG agrees to mediation with Judge Kallas on November 13. Thank you for organizing this.

Also, litigation support is processing the production that corresponds to Monday's responses and objections to Plaintiffs' second RPOD. I'll send the ShareFile links when I receive them (one will be in the PDF format previously requested).

Thanks,
Mike

From: Mullaly, Michael T.

Sent: Tuesday, August 13, 2024 2:11 AM

To: David Fadduol <dfadduol@ruizandsmart.com>; Isaac Ruiz <iruiz@ruizandsmart.com>; McKean J. Evans <mevans@ruizandsmart.com>; Chris Jarman <cjarman@ruizandsmart.com>; Shannon McKeon <smckeon@ruizandsmart.com>; Paige Lewis <plewis@ruizandsmart.com>

Cc: Benjamin Roesch <benjamin.roesch@jmblawyers.com>; Gwen Wall <gwen.wall@jmblawyers.com>

Subject: McNae et al. v. ARAG [I-AMS.FID5425010]

Hi David. Hope you are well. Attached please find ARAG's responses and objections to Plaintiffs' most recent discovery requests. I anticipate the associated document production will occur within the next day.

We are also close to having an answer regarding Plaintiffs' proposed mediator. We are aiming to conclude those discussions tomorrow and will report back. Thank you.

Best,
Mike



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